

**ORIGINAL**

**BEFORE THE**  
**Federal Communications Commission**  
**WASHINGTON, D. C.**

RECEIVED

NOV 30 1983

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
Advanced Television Systems )  
and Their Impact on the )  
Existing Television )  
Broadcast Service )

Review of Technical and )  
Operational Requirements: )  
Part 73E, Television )  
Broadcast Stations )

Reevaluation of the UHF )  
Television Channel and )  
Distance Separation )  
Requirements of Part 73 of )  
the Commission's Rules )

MM Docket No. 87-268

**JOINT COMMENTS OF NONCOMMERCIAL LICENSEES**

Board of Trustees of Community College District No. 508, County of Cook and State of Illinois (Chicago City Colleges), Greater Dayton Public Television, Inc., Iowa Public Broadcasting Board, Nebraska Educational Telecommunications Commission, The Ohio State University, St. Louis Community College, St. Louis Regional Educational and Public Television Commission, South Carolina Educational Television Commission, University of Maine System, University of Nebraska, State of Wisconsin-Educational Communications Board and WSKG, Inc. (the Joint Parties) file these comments in response to the Tentative Decision and Further Notice of

0 + 8

Inquiry (the "Notice") released September 1, 1988.<sup>1/</sup> The Joint Parties are all licensees or permittees of public television stations and/or ITFS facilities.

I. ATV MUST BE MADE AVAILABLE  
FOR PUBLIC TELEVISION

The Joint Parties believe that Advanced Television Systems ("ATV") will be sought after by the various audiences served by public television. ATV will bring a new dimension to the highly valued cultural service now offered on the nation's public television stations. Moreover, ATV will become essential to creating and delivering instructional programming to the nation's schools and homes. As soon as ATV begins to find a consumer franchise, instructional offerings that are not delivered over ATV will risk lack of acceptance, whether among K-12 or college audiences.

ATV offers new opportunities to deliver instructional series in the sciences and medicine that will offer visual detail heretofore unobtainable. This means, for example, that experiments in science courses can be shown with far greater efficacy than is possible at present. Such increased capability offers the potential for widespread use of video instruction to supplement and, in certain rural areas that lack resources for science education at the K-12 level, to offer the only instruction in the fields of

---

<sup>1/</sup> The time for filing comments was extended to November 30, 1988 by order of October 14, 1988, DA 88-1633.

science and technology. The ability to deliver instructional courses on these subjects is vital to the nation's ability to compete internationally in the coming decades.

For these reasons, the Joint Parties urge the Commission to regulate ATV so that public broadcasting stations, along with their commercial colleagues, enjoy the full benefits of advances in television transmission technology. The Commission should ensure that ATV is available to enhance the already exceptional alternative service that public broadcasting delivers to the American public.

## II. THE COMMISSION SHOULD ENCOURAGE ATV DELIVERY VIA ITFS

The Instructional Television Fixed Service stands ready now to implement ATV, even during this period when the Commission is exploring such problems as bandwidth, spectrum availability and use of non-contiguous spectrum. Moreover, as digital technology develops over time, ITFS may be seen as an ideal medium for ATV. The ITFS allocation scheme provides four 6 MHz channels in a group, and those channels can be configured as the equivalent of three 8 MHz channels if desired. The non-contiguous nature of each four channel group is of relatively minor moment, especially using digital microprocessor technology. Therefore, ITFS licensees may well be in a position to implement a variety of ITFS delivery systems, both for instructional and leased excess

capacity uses, during the period that the Commission is struggling with the regulatory problems of ATV in the VHF and UHF bands. The Commission should therefore encourage immediate ITFS use of ATV technology.

The Joint Parties recognize that the Commission's tentative decision requiring ATV transmissions to be NTSC-compatible is limited to the VHF and UHF broadcast bands, and is not intended to limit ATV in other services. Notice at para. 82 & n. 106. ITFS has been held not to be a broadcast service, In Re Public Broadcasting Service, FCC 83-611, slip op. at 6, para. 8) (January 9, 1984). This classification has been upheld by the Court of Appeals, Telecommunications Research and Action Center v. FCC, 836 F.2d 1349 (D.C. Cir. 1988) ("TRAC v. FCC"), and the Notice stated explicitly that nothing said there was intended to restrict services other than VHF and UHF broadcasting "from transmitting ATV signals with bandwidth more than 6 MHz." Id. at n.106. Further, the Commission stated that ITFS's sister service, the Multipoint Distribution Service, "may be used today for. . .ATV broadcast services." Id. at \*\*para.78\*\*. The regulatory stage therefore is set for rapid implementation of ATV on ITFS.<sup>2/</sup> The Commission should

---

<sup>2/</sup> In TRAC v. FCC, the Court did not decide whether "noneducational ITFS transmissions provided on a nonsubscription basis should be regulated as broadcasting." 836 F.2d at 1354. Instead, it remanded to the Commission the question of basic classification of ITFS nonsubscription extra capacity service. Id. at 1356. The Commission has  
(continued...)

affirm this posture explicitly, with a statement that ATV use on ITFS facilities is encouraged.

#### CONCLUSION

ATV will add a valuable dimension to public broadcasting and to the delivery of instructional and cultural services via ITFS. The capability to deliver programming via ATV will in fact be vital to the ability of public television and ITFS to attract viewers in the years ahead. Therefore, the Commission should assure that public television is a full partner in ATV in the VHF and UHF broadcast bands, and that ITFS operators are encouraged to implement ATV technology, including non-NTSC compatible service where appropriate, at the earliest possible time.

Respectfully submitted,

BOARD OF TRUSTEES OF COMMUNITY  
COLLEGE DISTRICT NO. 508,  
COUNTY OF COOK AND STATE OF  
ILLINOIS (CHICAGO CITY  
COLLEGES)

GREATER DAYTON PUBLIC  
TELEVISION, INC.

---

2/ (...continued)

reserved that decision pending accumulation of data from a reporting and prior authorization requirement imposed on all ITFS nonsubscription excess capacity operations. Order and Second Further Notice of Proposed Rulemaking, 3 FCC Rcd 4564 (para. 4) (FCC 88-239, released July 22, 1988). Whether or not ITFS nonsubscription excess capacity operations ultimately are classified as broadcasting, the public interest will be served by implementing ATV service, including that using more than 6 MHz of bandwidth, at the earliest possible time.

IOWA PUBLIC BROADCASTING BOARD

NEBRASKA EDUCATIONAL  
TELECOMMUNICATIONS COMMISSION

THE OHIO STATE UNIVERSITY

ST. LOUIS COMMUNITY COLLEGE

ST. LOUIS REGIONAL EDUCATIONAL  
AND PUBLIC TELEVISION  
COMMISSION


SOUTH CAROLINA EDUCATIONAL  
TELEVISION COMMISSION

UNIVERSITY OF MAINE SYSTEM

UNIVERSITY OF NEBRASKA

STATE OF WISCONSIN--EDUCATIONAL  
COMMUNICATIONS BOARD

WSKG, INC.

By:   
Richard D. Marks  
Todd D. Gray  
Elizabeth J. Gustafson  
Their Counsel

Dow, Lohnes & Albertson  
1255 Twenty Third Street, N.W.  
Washington, D.C. 20037  
(202) 857-2500

November 30, 1988